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CENTRAL FAX CENTER****APR 01 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/049,497
Applicant(s) : O'Toole, Edel et al.
Filed : February 13, 2002
Title : Hair Care Compositions
TC/A.U. : 1615
Examiner : L.S. Channavajjala
Conf. No. : 7650
Docket No. : CM2140
Customer No. : 27752

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed via facsimile on February 1, 2005, providing for timely filing up to and including April 1, 2005.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1-4 and 8-10 are rejected.

Claims 1-4 and 8-10 are appealed.

A complete copy of the appealed claims is set forth in the Claims Appendix attached hereto.

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Appl. No. 10/049,497
Atty. Docket No. CM2140
Appeal Brief dated April 1, 2005
Reply to Office Action of November 3, 2004
Customer No. 27752

SUMMARY

Based on the reasons set forth above, Appellants submit that Claims 1-4 and 8-10 are patentably distinct from and nonobvious over the cited references. Accordingly, the rejections under 35 USC §103(a) are improper, and Appellants respectfully request the reversal of these rejections by the Board.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By M. Dressman

Signature

Marianne Dressman

Typed or Printed Name

Registration No. 42,498

(513) 626-0673

Date: April 1, 2005
Customer No. 27752